

Message Text

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FM AMCONSUL LUANDA

TO SECSTATE WASHDC IMMEDIATE 3991

INFO AMEMBASSY LISBON

AMEMBASSY LUSAKA

AMEMBASSY KINSHASA

AMEMBASSY PRETORIA

AMEMBASSY LONDON

CINCLANT NORFOLK VA

CINCEUR VAIHINGEN GER

UNCLAS LUANDA 1153

E.O. 11652: N/A

TAGS: PINT PINS AO

SUBJECT: HIGH COMMISSIONER ASSUMES FUNCTIONS OF PRESIDENTIAL
COUNCIL

1. ON AUGUST 14, ACTING HIGH COMMISSIONER GENERAL ERNESTO FERREIRA DE MACEDO CALLED IN THE MPLA REMANT OF THE PRESIDENTAL COUNCIL AND THE CABINET TO INFORM THEM HE WAS TAKING OVER THE POWERS OF THE COUNCIL. HE BASED HIS ACTION ON ARTICLES FIVE, EIGHT, THIRTEEN AND SEVENTEEN OF THE ALVOR AGREEMENT. MACEDO TOLD THE MINISTERS AND SECRETARIES TO STATE THAT THEY WERE TO DO THE ABSOLUTE MINIMUM REQUIRED TO RESOLVE EXTREMELY URGENT CURRENT PROBLEMS.

2. THE TEXT OF THE HIGH COMMISSIONER'S COMMUNIQUE FOLLOWS:

QUOTE: ACCORDING TO ARTICLE FIVE OF THE ALVOR AGREEMENT, POWER IN ANGOLA IS EXERCISED UNTIL INDEPENDENCE BY THE HIGH COMMISSIONER AND BY A TRANSITIONAL GOVERNMENT. ACCORDING TO ARTICLE
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EIGHT, SOVEREIGNTY RESIDES WITH PORTUGAL UNTIL INDEPENDENCE.

UNDER THE TERMS OF ARTICLE SEVENTEEN, DECISIONS OF THE TRANSITIONAL GOVERNMENT ARE TAKEN BY A TWO-THIRDS MAJORITY. AS SET FORTH IN PARAGRAPHS 1.5, 1.6 AND 1.7 OF THE GOVERNMENT REGULATIONS (DECREE LAW NUMBER 3675 OF MAY 7, 1975), DECREE LAWS ARE SIGNED BY THE PRESIDENTIAL COUNCIL AND BY ALL THE MINISTERS; DECREES ARE SIGNED BY THE PRESIDENTIAL COUNCIL AND THE MINISTER OR MINISTERS CONCERNED; AND ORDERS, REGULATIONS AND INSTRUCTIONS ARE SIGNED AND ORDERED PUBLISHED BY THE RESPECTIVE MINISTER. HENCE, IN THE PRESENT SITUATION, WITH THE PRESIDENTIAL COUNCIL NOT MEETING AND WITH MOST OF THE MINISTERS ABSENT, THE TRANSITIONAL GOVERNMENT CANNOT CARRY OUT ITS LEGISLATIVE FUNCTION, AND IT IS GREATLY HAMPERED IN ITS ABILITY TO EXERCISE ITS EXECUTIVE FUNCTION.

IN VIEW OF THE FOREGOING; OF THE ABSOLUTE NECESSITY TO SAFEGUARD AND GUARANTEE THE FULFILLMENT OF THE LAW, A FUNCTION, ACCORDING TO ARTICLE THIRTEEN OF THE ALVOR AGREEMENT, THAT BELONGS TO THE HIGH COMMISSIONER; AND BECAUSE IT IS NOT POSSIBLE AT THIS TIME, GIVEN THE INEXISTENCE, FOR ALL PRACTICAL PURPOSES, OF THE

TRANSITIONAL GOVERNMENT, TO DEVELOP THE "FULL AGREEMENT" PROVIDED FOR IN ARTICLE THIRTEEN:

THE PORTUGUESE HIGH COMMISSIONER IN ANGOLA FINDS HIMSELF OBLIGED TO ASSUME THE RESPONSIBILITY OF SAFEGUARDING AND GUARANTEEING THE FULFILLMENT OF THE LAW AND ALSO TO ASSUME THE FUNCTIONS THAT ACCORDING TO GOVERNMENT REGULATIONS FALL WITH THE COMPETENCE OF THE PRESIDENTIAL COUNCIL. DURING THIS TEMPORARY PERIOD ALL MINISTERS AND SECRETARIES OF STATE ARE TO KEEP THEIR ORDERS AND DECISIONS TO THE ABSOLUTE MINIMUM REQUIRED TO RESOLVE EXTREMELY URGENT CURRENT PROBLEMS, WITH THE AIM OF KEEPING THE ADMINISTRATIVE STRUCTURE INTACT AND FUNCTIONING.

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